

January 16, 2003

AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
January 16, 2003

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 19, 2002

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 19, 2002?**

IV. MOTION TO GO INTO EXECUTIVE SESSION

**WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION?**

V. RECONVENE MEETING

VI. APPEALS TERMINATED WITHOUT DECISION

Listed below for the record is a summary of appeals in which termination was achieved by action other than formal decision by the Commission. All records pertaining to the appeals are a matter of record in the Commission files.

Dismissals

<u>Name</u>	<u>Title</u>	<u>Department</u>
Johnson, Delinda	Mental Health Tech II	Human Services

Request for hearing filed: 11/25/02

RESULTS: Employee withdrew appeal. Case closed by letter dated December 20, 2002.

**DOES THE COMMISSION CONCUR WITH THE STAFF DECISIONS IN THE ABOVE MATTER?**

January 16, 2003

Ramirez, Peter      Sr. Public Service Administrator      Commerce and  
Community Affairs

Request for hearing filed: 4/5/02

RESULTS: Advised by Administrative Law Judge Leonard F. Sacks that case has been settled. Case closed by letter dated December 30, 2002. Stipulation to Dismiss filed with Commission January 2, 2003. The parties have settled and compromised the differences that existed between them and agreed to stipulate to dismiss the above-captioned matter with prejudice.

**DOES THE COMMISSION CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER?**

VII. APPEALS DENIED - DISMISSAL

Patricia A. Smith

On December 3, 2002, the Commission received a letter from Patricia A. Smith requesting a hearing concerning her separation from employment with the Department of Human Services. The Personnel Code and Rules require that an employee file a request for hearing no later than 15 days after receipt of the approved charges for discharge. Staff investigation disclosed that Ms. Smith received such charges on November 7, 2002, but her request was not deposited in the United States mail until November 25, 2002, 18 days following service of the charges. In addition, appeal was sent to the wrong address (CMS) and was sent with insufficient postage. Therefore, Ms. Smith was advised by letter dated December 27, 2002 that the Commission is without jurisdiction to grant her a hearing.

**DOES THE COMMISSION CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER?**

VIII. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES

Sam W. Jordan

On October 17, 2002 the Commission received an appeal from Sam W. Jordan, who was laid off from the Department of Human Services as a Casework Manager at the Auburn Park Local Office.

The employee complained that "Human Services did not follow CMS Rules, Subpart J, Section 500, Section #302.520, Section #302.530, and section #302.570, as it pertains to layoffs. Secondly, the Department of Human Services violated CMS Rules, Subpart J, Section 302.500 (Voluntary Reduction of Certified and Probationary Employees), and Section 302.570 (Re-Employment Lists)." The employee was notified by letter dated December 23, 2002 that the staff would recommend that his layoff appeal be denied.

**DOES THE COMMISSION CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER?**

January 16, 2003

IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	117	6
Agriculture	517	8
Arts Council	23	1
Banks and Real Estate	274	2
CMS	1,187	7
Children and Family Svc	3,734	29
Comm. & Comm. Affairs	503	20
Corrections	14,495	104
Deaf & Hard of Hearing Comm.	8	1
Dev. Disabilities Council	13	1
Elections Board	57	1
Employment Security	2,140	10
Environmental Protection	1,182	4
Financial Institutions	95	4
Guardianship and Advocacy	118	6
Historic Preservation Agency	219	2
Human Rights Commission	11	2
Human Rights Department	149	5
Human Services	16,108	39
Industrial Commission	162	8
Insurance	371	4
Investment Board	5	1
Labor	87	7
Labor Relations Board Educational	23	2
Labor Relations Board State	24	2
Law Enf. Trng. & Standard Bd.	25	1
Liquor Control Commission	75	3
Lottery	229	7
Medical District Commission	5	1
Natural Resources	1,704	22
Pollution Control Board	30	3
Professional Regulation	258	9
Property Tax Appeal Board	41	2
Public Aid	2,405	14
Public Health	1,110	17
Revenue	2,241	30
State Fire Marshal	146	3
State Police	1,684	4
State Police Merit Board	6	1
State Retirement System	74	1
Veterans Affairs	1,162	2
TOTALS	52,817	396

IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)

C. Department of Natural Resources – Rescission of 4d(3) Exemption

The Department has withdrawn its request for rescission of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-12-05-400-00-01
Division:	Office of Fiscal Management
Supervisor:	SPSA (40070-12-05-000-00-01)
Location:	Sangamon County (084)
Incumbent:	John Schmitt

X. AMENDMENTS IN CLASS SPECIFICATIONS

A. Comments on Class Specifications

1. Computer Information Consultant Trainee
2. Computer Systems Software Specialist Trainee

The Department of Central Management Services is requesting to abolish these two titles. The classes of Computer Information Consultant Trainee and Computer Systems Software Specialist Trainee are now vacant. The Information Services Intern was created in July of 1998 to replace these titles as the class of choice for training new entrants into the information technology field. Per item 13 in the July 2000 memorandum of understanding between AFSCME and the State of Illinois describing the implementation process for the information technology study, the Computer Information Consultant Trainee and Computer System Software Specialist Trainee were to be abolished when they became vacant.

Therefore, the Department of Central Management Services recommends that the classes of Computer Information Consultant Trainee and Computer Systems Software Specialist Trainee be abolished.

B. Recommendations for Commission Action

The class specifications for the following classes, submitted by the Director of Central Management Services, were found satisfactory.

**WILL THE COMMISSION APPROVE THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES, TO BE EFFECTIVE FEBRUARY 1, 2003?**

Abolitions

Computer Information Consultant Trainee  
Computer Systems Software Specialist Trainee

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?**

**XI. NON-MERIT APPOINTMENT REPORT**

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of December 31, 2002.

	<u>11-30-02</u>	<u>12/31/02</u>
Agriculture	2	3
Central Management Ser.	6	6
Comm. & Comm. Affairs	1	2
Emergency Management Agency	1	0
Historic Preservation	2	1
Human Services	1	2
Labor Relations Bd. Educ.	2	2
Natural Resources	29	43
Transportation	<u>12</u>	<u>13</u>
	56	72

**XII. APPEALS PENDING DECISION**

Dismissals

Perez, Marcos

Correctional Captain

Corrections

**CHARGE:** Inappropriate conduct and conduct unbecoming. Mr. Perez touched a Correctional Officer on her back; touched her hair; commented about her husband; commented about her buttocks, breasts, and menstrual period; commented about her relationships with other employees, hugged the officer and permitted her to sit on his lap.

Request for hearing filed: May 6, 2002

**WHAT IS THE DECISION OF THE COMMISSION?**

January 16, 2003

Miranda, Gregory

Highway Maintainer

Dept. of Transportation

CHARGE: Making threatening statements towards co-workers. Mr. Miranda's threats to co-workers that, "I'll get a gun and come back and shoot everybody," and "If I know me, I'm going to stab somebody," forced the Department to shut down, and the employees were legitimately in fear.

Request for hearing filed: August 31, 2000

**WHAT IS THE DECISION OF THE COMMISSION?**

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, February 20, 2002 at 10:30 a.m. in the Commission's Chicago Office.

XIV. MOTION TO ADJOURN